

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicants: S.H. Basson et al.  
Docket No.: YOR920000739US1  
Serial No.: 09/774,930  
Filing Date: January 31, 2001  
Group: 2614  
Examiner: Michael Lee

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Luwa M. Harli Date: March 24, 2005

Title: Universal Closed Caption Portable Receiver

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

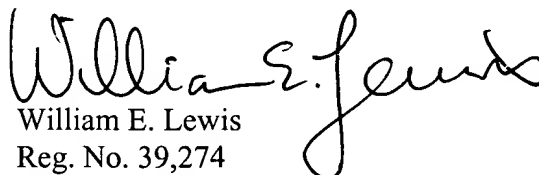
Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Appeal Brief; and
- (2) Copy of Notice of Appeal, filed on January 20, 2005, with copy of stamped return postcard indicating receipt of Notice by PTO on January 24, 2005.

Please charge **International Business Machines Corporation Deposit Account No. 50-0510** the amount of \$500 to cover this submission under 37 CFR §1.17(c). In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,



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Signature: Louisa M. Hamlin Date: March 24, 2005

Title: Universal Closed Caption Portable Receiver

**APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal the final rejection dated July 22, 2004 of claims 1-48 of the above-identified application.

**REAL PARTY IN INTEREST**

The present application is assigned to International Business Machines Corp., as evidenced by an assignment recorded May 8, 2001 in the U.S. Patent and Trademark Office at Reel 11792, Frame 0853. The assignee, International Business Machines Corp., is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

There are no known related appeals or interferences.

STATUS OF CLAIMS

The present application was filed on January 31, 2001 with claims 1-48. Claims 1-48 are currently pending in the application. Claims 1, 15 and 32 are the independent claims.

Each of claims 1-48 stands finally rejected under 35 U.S.C. §102(b) or §103(a). Claims 1-48 are appealed.

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a method of processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user. The method comprises the steps of: obtaining, directly from an originating source, the signal including the one or more closed captions in a portable processing device; autonomously processing the signal in the portable processing device so as to generate a display signal representative of the one or more closed captions in the obtained signal; and providing the display signal from the portable processing device to a portable display, operatively coupled to the device, for presentation to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display.

Independent claim 15 is directed to apparatus for processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user. The apparatus comprises: a portable processing device including at least one processor operative to: (i) obtain, directly from an originating source, the signal including the one or more closed captions; and (ii) autonomously process the signal so as to generate a display signal representative of the one or more closed captions in the obtained signal; and a portable display operatively coupled to the portable processing device and operative to receive and present the display signal to the user so that the user may view the visual

content of the program and view the one or more closed captions in accordance with the portable display.

Independent claim 32 is directed to a closed captioning system comprising a closed caption receiver and a closed caption service system operatively coupled to the closed caption receiver. The closed caption receiver is configured to be carried by a user and includes: a portable processing device including at least one processor operative to: (i) obtain, directly from an originating closed caption service system, a signal including one or more closed captions representing audio content associated with a program whose visual content is being viewed by the user; and (ii) autonomously process the signal so as to generate a display signal representative of the one or more closed captions in the obtained signal; and a portable display operatively coupled to the portable processing device and operative to receive and present the display signal to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display. The closed caption service system includes at least one processor operative to: (i) generate the signal including the one or more closed captions; and (ii) provide the signal to the closed caption receiver.

Further, the present specification between page 3, line 4, and page 7, line 8, illustratively explains that, with a closed caption receiving device according to the invention, a person may come to a place where a program is being broadcasted on television without closed captioning services. The person may then set the device to the same channel as the program being broadcasted and see closed captions associated with the audio content of the program on the local wearable display system. Preferably, rather than transmitting all the broadcast information, the receiving device transmits only the closed captions for display on the local wearable display system. Thus, the user is able to simultaneously look at the television screen while reading the closed captions. However, it is to be appreciated that content other than the closed captions may be extracted and displayed on the local wearable display system, if so desired.

In yet another illustrative aspect, the present invention provides a portable and universal closed caption receiving device for receiving a signal including closed captions from a transcription service while the user views a program on a video/audio content display system in which no closed

captioning capability is available such as, for example, one that may be associated with a personal computer or a movie theater. Again, in this case, the closed caption receiving device is used in conjunction with a separate display system carried by the user such as, for example, a wearable head mounted display. The closed captioning device receives the transcription services including closed captions from the transcription service provider while the user watches a movie or some other program in a theater or on a computer (e.g., a digital video disc) in which no closed captioning capability is available. In accordance with the invention, when a person sees that there is a movie being displayed on a computer screen or in a movie theater, the person may contact the transcription service and request a transcription of the program by name. The transcription service transmits the closed captions synchronously with events in the program. Several methods may be employed to synchronize the closed caption with the events in the program. For example, an operator associated with the service may be able to listen to the dialogue from the program so as to ensure that the transcription coincides with the program. Again, the closed captions, themselves, may be transmitted through a wireless network to the receiving device which then provides them to the user's wireless wearable head mounted display. Of course, the connection may be hardwired. In any case, this allows the person to look at the computer or theater screen through the wearable display and see the program while reading the captions on the wearable display comfortably.

It is to be appreciated that a stenographic service may be used in conjunction with the invention to type what is being broadcasted or shown in those cases when closed captioning is not readily available, e.g., live broadcasts. Thus, for instance, rather than requesting a prestored transcription, the user may request a real-time stenographic transcription of a live program.

In an illustrative embodiment depicted in FIG.1, a portable and universal closed caption receiving device or receiver 100 operates in conjunction with a head mounted display system 102 coupled thereto. The head mounted display system 102 comprises a microdisplay 103 mounted on a pair of eyeglasses 104. The closed caption receiver 100 and head mounted display system 102 are deployed in an environment including a translator 106 and a television set 108 (Specification, page 8, line 6, through page 9, line 6). FIGs. 2 and 3 depict additional illustrative embodiments.

A more detailed embodiment of a closed caption receiving device according to the present invention is shown in FIG. 4. As shown, the closed caption receiving device 100 comprises a communication module 400, a closed caption (CC) receiving option module 401, a television CC extractor 402, a channel module 403, a processor 404, memory 405, a direct CC extractor 406, a voice/handheld controller input module 407, and a display signal generator 408 (Specification, page 17, lines 1-6).

#### GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-12, 14-26, 28-30, 32-43 and 45-47 are rejected under 35 U.S.C. §102(b) as being anticipated by German Patent No. DE4435565A1 to Burkhardt (hereinafter “Burkhardt”).
2. Claims 13, 27 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Burkhardt in view of U.S. Patent No. 5,648,789 to Beadles et al. (hereinafter “Beadles”).
3. Claims 31 and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Burkhardt.

#### ARGUMENT

Before addressing each particular ground of rejection, Appellants again point out that the copy of Burkhardt provided with (and newly cited in) the final Office Action is entirely in the German language. An English language abstract from Derwent Information Ltd. (hereinafter “the Derwent Abstract”) was provided in the final Office Action along with the German language patent document. M.P.E.P. §706.02 addresses reliance on abstracts and foreign language documents in support of a rejection. As stated therein:

When an abstract is used to support a rejection, the evidence relied upon is the facts contained in the abstract, not additional facts that may be contained in the underlying full text document. Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished). To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. If the document is in a language other than English and the examiner seeks to rely on that

document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection. The rationale for this is several-fold. It is not uncommon for a full text document to reveal that the document fully anticipates an invention that the abstract renders obvious at best. The converse may also be true, that the full text document will include teachings away from the invention that will preclude an obviousness rejection under 35 U.S.C. 103, when the abstract alone appears to support the rejection. An abstract can have a different effective publication date than the full text document. Because all patentability determinations are fact dependent, obtaining and considering full text documents at the earliest practicable time in the examination process will yield the fullest available set of facts upon which to determine patentability, thereby improving quality and reducing pendency. When both the abstract and the underlying document qualify as prior art, the underlying document should normally be used to support a rejection. In limited circumstances, it may be appropriate for the examiner to make a rejection in a non-final Office action based in whole or in part on the abstract only without relying on the full text document. In such circumstances, the full text document and a translation (if not in English) may be supplied in the next Office action. (Underlining added for emphasis).

Appellants therefore assert that the record in the final Office Action is not clear whether the Office Action relies on the Derwent Abstract or on Burkhardt itself. As Appellants pointed out in their Response to Final Office Action dated October 21, 2004, if the Office Action is relying on Burkhardt itself, M.P.E.P. §706.02 requires that a translation of the entire document be provided by the Examiner so that the record is clear as to the precise facts the Examiner is relying upon in support of the rejection. Further, if the Office Action considers the Derwent Abstract to be prior art, and is also relying on the Derwent Abstract, M.P.E.P. §706.02 requires that the rejection be non-final. Appellants assert that none of these requirements have been met by the present Office Action and, therefore, the present rejection based on Burkhardt is improper.

In an Advisory Action dated February 7, 2005, the Examiner states that "[t]he Final Rejection was based on both of the abstract and the German patent document of Burkhardt since it refers to the drawings in the patent document . . . [t]herefore, the final rejection is proper."

Appellants assert that the above-quoted statement in the Advisory Action even further illustrates that the requirements of M.P.E.P. §706.02 have not been met by the final Office Action and, therefore, the present rejection based on Burkhardt is improper.

GROUND 1

Claims 1, 15 and 32

The Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As explained above, the present invention, for example, as recited in independent claim 1, recites a method of processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user. The method comprises the steps of: obtaining, directly from an originating source, the signal including the one or more closed captions in a portable processing device; autonomously processing the signal in the portable processing device so as to generate a display signal representative of the one or more closed captions in the obtained signal; and providing the display signal from the portable processing device to a portable display, operatively coupled to the device, for presentation to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display. Independent claims 15 and 32 recite similar limitations.

Burkhardt appears to disclose a portable video text or teletext decoder system, as disclosed by the Derwent Abstract. Further, as the Derwent Abstract suggests "[t]he system functions exclusively as a video text receiver, processing and displaying data, and does not function as a TV set . . . [and] is particularly appropriate for stock exchange reporting."

However, Burkhardt does not appear to disclose "processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user, as in the independent claims of the invention. Nor does Burkhardt appear to disclose generating a display signal . . . "so that the user



may view the visual content of the program and view the one or more closed captions in accordance with the portable display," as in the independent claims of the invention.

That is, Burkhardt appears to have nothing to do with closed captions, and appears to have nothing to do with text representing audio content associated with a program whose visual content is being viewed by a user. As the Derwent Abstract suggests, the system handles display of stock exchange reporting data in the form of text. This is significantly different than closed captions representing audio content associated with a program whose visual content is being viewed by a user.

Also, there is no indication that Burkhardt generates a display signal . . . "so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display," as in the claimed invention. Recall, as illustratively explained above, in accordance with the invention, the user is advantageously able to simultaneously look at a television screen while reading the closed captions.

At least with respect to independent claim 32, the final Office Action appears to suggest that Burkhardt inherently includes a closed caption service system. According to the Court of Customs and Patent Appeals (CCPA), "[i]nherency does not mean that a thing might be done, or that it might happen, ...; but it must be disclosed, if inherency is claimed, that the thing will necessarily happen." In re Draeger et al., 150 F.2d 572, 574 (CCPA 1945). Furthermore, well-settled law "requires that inherency may not be established by possibilities and probabilities . . . . [t]he evidence must show that the inherency is necessary and inevitable." Interchemical Corp. v. Watson, 145 F.Supp. 179, 182, 111 USPQ 78, 79 (D. D.C. 1956), *aff'd*, 251 F.2d 390, 116 USPQ 119 (D.C. Cir. 1958). The final Office Action makes no showing whatsoever that a closed caption service system necessarily and inevitably flows from the Burkhardt system.

For at least the above reasons, Appellants assert that independent claims 1, 15 and 32 are patentable over the cited reference.

Claims 2-12, 14, 16-26, 28-30, 33-43 and 45-47

Regarding claims 2-12, 14, 16-26, 28-30, 33-43 and 45-47, Appellants assert that such claims are patentable over the cited reference not only due to their respective dependence on independent claims 1, 15 and 32, but also because such claims recite patentable subject matter in their own right.

In rejecting the features of such dependent claims (with the exception of claims 11, 14, 29, 30, 46 and 47 where it is alleged that Burkhardt “shows” something), the final Office Action does not refer to the Derwent Abstract or Burkhardt itself. Rather, the final Office Action seems to state alleged assumptions about teletext systems and about closed captioning systems in support of the rejections, without making clear where support for such assumptions may be found. This is improper.

In the Advisory Action, the Examiner states “[t]he interpretations of both the teletext and closed caption in television are basically the same - additional data transmitted along with a television signal . . . [a] teletext receiver can be used to receive closed caption data, and vice versa.” However, how this statement properly supports a §102(b) rejection is unclear. Further, where this alleged support comes from is unclear. Nonetheless, Appellants still properly assert that Burkhardt fails to disclose the subject matter in these dependent claims and that the Examiner still has not made a *prima facie* case otherwise.

For at least these reasons, Appellants assert that dependent claims 2-12, 14, 16-26, 28-30, 33-43 and 45-47 are patentable over the cited reference.

GROUND 2

Claims 13, 27 and 44

Regarding the §103(a) rejection of claims 13, 27 and 44 based on a combination of Burkhardt and Beadles, Appellants assert that such a combination fails to establish a *prima facie* case of obviousness as specified in M.P.E.P. §2143.

As set forth therein, M.P.E.P. §2143 states that three requirements must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited

combination must teach or suggest all the claim limitations. While it is sufficient to show that a prima facie case of obviousness has not been established by showing that one of the requirements has not been met, Appellants respectfully believe that none of the requirements have been met.

First, there is a clear lack of motivation to combine the references. For at least this reason, a prima facie case of obviousness has not been established. Burkhardt appears to be directed to a teletext system, while Beadles discloses a wearable caption display. That is, the teachings in each reference are directed to completely different environments; one (Burkhardt) toward a teletext environment, the other (Beadles) toward a caption display environment. However, other than a very general and conclusory statement in the final Office Action, there is nothing in the two references that reasonably suggests why one would actually combine the teachings of these two references.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination “must be based on objective evidence of record” and that “this precedent has been reinforced in myriad decisions, and cannot be dispensed with.” In re Sang-Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that “conclusory statements” by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved “on subjective belief and unknown authority.” Id. at 1343-1344.

In the final Office Action at page 4, the Examiner provides the following statement to prove motivation to combine Burkhardt and Beadles, with emphasis supplied: “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the head mounted display in Burkhardt so that the hearing impaired people can simultaneously watch both the closed caption and the pictures.”

Appellants submit that this statement is based on the type of “subjective belief and unknown authority” that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed combination.

Second, Appellants assert that there is no reasonable expectation of success in achieving the present invention through a combination of Burkhardt and Beadles. For at least this reason, a prima

facie case of obviousness has not been established. Appellants do not believe that the two references are combinable since it is not clear how one would combine them. No guidance is provide in the final Office Action.

Third, Appellants assert that the combination of Burkhardt and Beadles fails to teach or suggest all of the claim limitations of the subject claims. For at least this reason, a prima facie case of obviousness has not been established. Again, assuming arguendo that the references could be properly combined, which for at least the reasons above it is believed that they can not be properly combined, the combination fails to teach or suggest all claim elements in the subject dependent claims. By way of example, see the deficiencies described above with regard to Burkhardt. Beadles does not remedy these deficiencies.

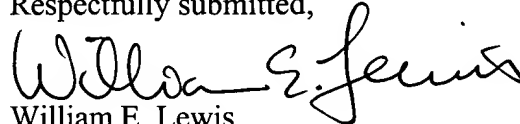
GROUND 3

Claims 31 and 48

Regarding the §103(a) rejection of claims 31 and 48 based on Burkhardt alone, Appellants assert that it would not be obvious to include a voice recognition system in Burkhardt since Burkhardt appears to have nothing to do with audio content. In their previous Response to Final Office Action, Appellants challenged the taking of Official Notice and requested a reference be cited that properly supports the Examiner's position. No mention of this challenge or request was made in the Advisory Action.

In view of the above, Appellants believe that claims 1-48 are in condition for allowance, and respectfully requests the withdrawal of the §102(b) and §103(a) rejections.

Respectfully submitted,



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CLAIMS APPENDIX

1. A method of processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user, the method comprising the steps of:

obtaining, directly from an originating source, the signal including the one or more closed captions in a portable processing device;

autonomously processing the signal in the portable processing device so as to generate a display signal representative of the one or more closed captions in the obtained signal; and

providing the display signal from the portable processing device to a portable display, operatively coupled to the device, for presentation to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display.

2. The method of claim 1, wherein the visual content of the program is presented on a content display system and the portable processing device and the portable display are independent of the content display system.

3. The method of claim 2, wherein the content display system is one of a television set, a computer display, and a movie theater screen.

4. The method of claim 1, wherein the closed captions presented to the user on the portable display are substantially synchronized with the visual content of the program being viewed by the user.

5. The method of claim 1, wherein the obtaining step comprises receiving the signal including the one or more closed captions from a transcription service.

6. The method of claim 5, wherein the transcription service is configured to prestore transcriptions corresponding to audio content associated with programs, generate a signal including

one or more closed captions from a requested transcription, and transmit the signal to the portable processing device.

7. The method of claim 5, wherein the transcription service is configured to generate a transcription associated with a program in real-time upon request, generate a signal including one or more closed captions from the real-time transcription, and transmit the signal to the portable processing device.

8. The method of claim 7, wherein the real-time transcription is generated via at least one of a human stenographer, an automatic speech recognition system, and real-time alignment of a prestored transcription.

9. The method of claim 5, wherein the transcription service is configured to provide the closed captions in one or more different languages.

10. The method of claim 1, wherein the obtaining step comprises receiving the signal including the one or more closed captions from a closed caption translation service.

11. The method of claim 10, wherein the obtained signal is a broadcast television signal.

12. The method of claim 11, wherein the visual content of the program is presented on a television set and the broadcast television signal is obtained from the closed caption translation service via redirection from the television set.

13. The method of claim 1, wherein the portable display is a head mounted display system.

14. The method of claim 1, wherein the portable device and the source are in communication via one of a wired link and a wireless link.

15. Apparatus for processing a signal wherein at least a portion of the signal includes one or more closed captions representing audio content associated with a program whose visual content is being viewed by a user, the apparatus comprising:

a portable processing device including at least one processor operative to: (i) obtain, directly from an originating source, the signal including the one or more closed captions; and (ii) autonomously process the signal so as to generate a display signal representative of the one or more closed captions in the obtained signal; and

a portable display operatively coupled to the portable processing device and operative to receive and present the display signal to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display.

16. The apparatus of claim 15, wherein the visual content of the program is presented on a content display system and the portable processing device and the portable display are independent of the content display system.

17. The apparatus of claim 16, wherein the content display system is one of a television set, a computer display, and a movie theater screen.

18. The apparatus of claim 15, wherein the closed captions presented to the user on the portable display are substantially synchronized with the visual content of the program being viewed by the user.

19. The apparatus of claim 15, wherein the obtaining operation comprises receiving the signal including the one or more closed captions from a transcription service.

20. The apparatus of claim 19, wherein the transcription service is configured to prestore transcriptions corresponding to audio content associated with programs, generate a signal including one or more closed captions from a requested transcription, and transmit the signal to the portable device.

21. The apparatus of claim 19, wherein the transcription service is configured to generate a transcription associated with a program in real-time upon request, generate a signal including one or more closed captions from the real-time transcription, and transmit the signal to the portable device.

22. The apparatus of claim 21, wherein the real-time transcription is generated via at least one of a human stenographer, an automatic speech recognition system, and real-time alignment of a prestored transcription.

23. The apparatus of claim 19, wherein the transcription service is configured to provide the closed captions in one or more different languages.

24. The apparatus of claim 15, wherein the obtaining operation comprises receiving the signal including the one or more closed captions from a closed caption translation service.

25. The apparatus of claim 24, wherein the obtained signal is a broadcast television signal.

26. The apparatus of claim 25, wherein the visual content of the program is presented on a television set and the broadcast television signal is obtained from the closed caption translation service via redirection from the television set.

27. The apparatus of claim 15, wherein the portable display is a head mounted display system.

28. The apparatus of claim 15, wherein the portable processing device and the source are in communication via one of a wired link and a wireless link.

29. The apparatus of claim 28, wherein the portable processing device further comprises a communication module for providing an interface for the communication link.



30. The apparatus of claim 15, wherein the portable processing device further comprises an input controller operatively coupled to the processor for allowing the user to enter one or more instructions to the processing device.

31. The apparatus of claim 15, wherein the portable processing device further comprises a microphone operatively coupled to the processor for allowing the user to enter one or more voice-based instructions to the processing device.

32. A closed captioning system, comprising:

a closed caption receiver configured to be carried by a user including:

a portable processing device including at least one processor operative to: (i) obtain, directly from an originating closed caption service system, a signal including one or more closed captions representing audio content associated with a program whose visual content is being viewed by the user; and (ii) autonomously process the signal so as to generate a display signal representative of the one or more closed captions in the obtained signal; and

a portable display operatively coupled to the portable processing device and operative to receive and present the display signal to the user so that the user may view the visual content of the program and view the one or more closed captions in accordance with the portable display; and

a closed caption service system, operatively coupled to the closed caption receiver, including at least one processor operative to: (i) generate the signal including the one or more closed captions; and (ii) provide the signal to the closed caption receiver.

33. The system of claim 32, wherein the visual content of the program is presented on a content display system and the closed caption receiver is independent of the content display system.

34. The system of claim 33, wherein the content display system is one of a television set, a computer display, and a movie theater screen.

35. The system of claim 32, wherein the closed captions presented to the user on the portable display are substantially synchronized, at the closed caption service system, with the visual content of the program being viewed by the user.

36. The system of claim 32, wherein the closed caption service system comprises a transcription service.

37. The system of claim 36, wherein the transcription service is configured to prestore transcriptions corresponding to audio content associated with programs, generate a signal including one or more closed captions from a requested transcription, and transmit the signal to the closed caption receiver.

38. The system of claim 36, wherein the transcription service is configured to generate a transcription associated with a program in real-time upon request, generate a signal including one or more closed captions from the real-time transcription, and transmit the signal to the closed caption receiver.

39. The system of claim 38, wherein the real-time transcription is generated via at least one of a human stenographer, an automatic speech recognition system, and real-time alignment of a prestored transcription.

40. The system of claim 36, wherein the transcription service is configured to provide the closed captions in one or more different languages.

41. The system of claim 32, wherein the closed caption service system comprises a translation service.

42. The system of claim 41, wherein the obtained signal by the closed caption receiver is a broadcast television signal.

43. The system of claim 42, wherein the visual content of the program is presented on a television set and the broadcast television signal is obtained from the translation service by the closed caption receiver via redirection from the television set.

44. The system of claim 32, wherein the portable display is a head mounted display system.

45. The system of claim 32, wherein the closed caption receiver and the closed caption service system are in communication via one of a wired link and a wireless link.

46. The system of claim 45, wherein the portable processing device further comprises a communication module for providing an interface for the communication link.

47. The system of claim 32, wherein the closed caption receiver further comprises an input controller operatively coupled to the processor for allowing the user to enter one or more instructions to the processing device.

48. The system of claim 32, wherein the closed caption receiver further comprises a microphone operatively coupled to the processor for allowing the user to enter one or more voice-based instructions to the processing device.

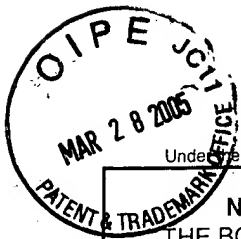
Attorney Docket No. YOR920000739US1

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None



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PTO/SB/31 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

YOR920000739US1

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on January 20, 2005

Signature

Typed or printed name Lisa L. Vulpis

In re Application of  
S.H. Basson et al.

Application Number  
09/774,930

Filed  
January 31, 2001

For Universal Closed Caption Portable Receiver

Art Unit  
2614

Examiner  
Michael Lee

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0510. I have enclosed a duplicate copy of this sheet.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number 39,274
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

William E. Lewis  
Signature  
William E. Lewis  
Typed or printed name  
(516) 759-2946  
Telephone number

January 20, 2005  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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January 20, 2005  
YOR920000739US1  
Serial No. 09/774,930  
1500-175

